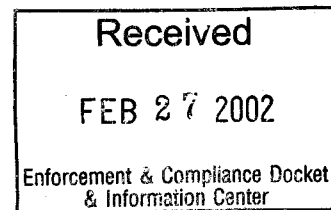


February 27, 2002

Environmental Protection Agency  
Enforcement and Compliance Docket and Information Center  
Mail Code 2201A  
Attn: Docket Number EC-2000-007  
1200 Pennsylvania Avenue NW  
Washington DC 20460



Re: Comments on the Establishment of  
Electronic Reporting/Records  
Cross-Media Electronic Reporting and  
Recordkeeping Rule (CROMERRR)

The Alaska Oil and Gas Conservation Commission (AOGCC) is one of the state agencies in Alaska that regulates oil and gas operations. We appreciate EPA's responsiveness in encouraging and accepting comments concerning the process of collecting, distributing, and storing environmental information.

We have read a variety of comments prepared by agencies similar to our own. We agree with and support their statements.

In our opinion, the proposed rules do not adequately address:

- " The Congressional intent of the 'Paperwork Reduction Act' "... to reduce paperwork burden on the public by 25% within three years".
- " EPA's own goals as stated in the 'REI Plan' "... It is believed that embracing a standards based approach will greatly simplify the work of regulated facilities and States who seek to transmit data electronically to EPA."..
- " The general intent of the 'Paperwork Elimination Act' (to treat electronic records similar to paper records; in particular, to avoid increasing the records management burden).
- " Different handling and storage requirements for diverse types and classifications of data.

We have a number of concerns about the proposed rule:

~ The proposed rule would result in unreasonably restrictive methods of data handling. EPA collects many kinds of data. Each data set varies greatly in terms of legality, protection, quality, and retention needs. We can understand the need for reporting some data (such as sensitive laboratory test results) in the very restrictive manner specified by these regulations. However, we do not agree with applying such narrow standards to all electronic data collected by EPA or to those who assist in this process. We believe that putting all collected electronic data under one general regulation umbrella is inappropriate. It will also diminish the overall quality of the data, unnecessarily increase cost, and greatly detract from benefits obtained by utilizing

electronic data transmittal technology. We urge EPA to establish realistic 'categories' of electronic data that are based on the type, source, and use of the information being reported. We believe that any rule concerning electronic data reporting and recordkeeping should simplify and improve the National environmental information database.

~ The rule would destroy the existing processes and then require an entirely new, costly data collection structure. A less onerous rule would consider data handling conditions as they presently exist. A better rule would start with today's methods of collecting information and then implement a goal to improve upon the existing structure.

~ The proposed rule would unreasonably transfer most of the cost of implementing it to the 'partners' as reporting entities.

~ The proposed regulations establish an excessively detailed method for confirming the legal identity of the individual submitting data to EPA. The need for legal identification is understandable. However, the complexities of the process described in the proposed rule greatly exceed those presently required of the 'paper' or EDI process. Again, applying standards which are needed only for a limited set of unique data to all EPA electronic data is what transforms these regulations from a beneficial action into a negative and regressive one that significantly harms our present day data collection activities.

~ The originating structure of these regulations was built prior to the signing of the 'E-Sign' legislation in 2000. We suggest that any electronic signature portion of these regulations be deferred until such time that the courts evaluate and rule upon the 'E-Sign' legislation.

~ By this proposed rule, EPA appears to be attempting to establish and impose national data reporting and recordkeeping dictums. *A prime example of a restrictive EPA dictum is that these comments must be in the form of a "WordPerfect 5.1/6.1/8" document if submitted electronically.* Data standards must be developed first before trying to implement electronic reporting. Widespread variances exist (as reported by EPA) in regional data reporting formats for virtually identical programs. As long as such 'differences' exist, it is impractical to implement any kind of national reporting system.

~ EPA alludes to a required process that will be needed before any particular data type will be electronically acceptable. This process needs codified within the regulations to include, as a minimum (including 'partner' participation): A procedure to establish a national data standard for a particular data type; an analysis and determination of data handling, storage, and submission cost that is appropriately commensurate with the value and criticality of the data itself; a data distribution plan (by the receiving center) that eliminates the need for a duplicate data submission (by the regulated); specific value identification which emphasizes a 'return on investment' for the EPA partners (States); and, provides for data submission and handling procedures that are suitable for all organizational levels (with special emphasis on the small or medium size organization which might incur inordinate compliance costs).

~ The proposed rule concerning usage of Public/Private key encryption is not practical. The Public/Private key encryption technology (or any other method) should be used just through the data submission process. This should satisfy EPA's requirement of tying submitted data to an

individual. It is virtually impossible to retain those keys in an archival situation throughout the historical data retention period. Much information would be 'permanently' lost – either as a matter of convenience or due to lost keys. Also, it directly defeats one of the major national goals of using electronic data systems as a means of improving greater public information accessibility.

~ The proposed rule fails to address the use of imaging systems for historical data storage. We feel that electronic imaging systems provides some of the best methods for satisfying the 'library' function that many public agencies have as a key responsibility. Many of EPA's storage and retention requirements would be best met using these types of systems.

~ Many of the commentators have noted the high cost of implementing these regulations. We concur with those estimates. Also, we believe that the on-going operational costs will be of far greater significance.

~ EPA notes a number of 'background' challenges in creating an electronic reporting system. EPA needs to recognize and address these challenges as a major issue. They are the silent, hidden aspects imposed by the proposed rule that will cause the greatest overall impact on EPA's 'partners'. As EPA states, the collaboration level "... will require a level of partnership across programs and agencies that is unprecedented." In addition to the exceptional level of coordination efforts that are necessary, widespread organizational changes will be required. Undoubtedly, many organizations that presently collect information for EPA's benefit will no longer be able to do so.

Again, we thank you for the opportunity to submit our comments and concerns. We hope that our time and effort will be of benefit to you in preparing the published regulations. Upon request, we would be happy to either provide further information or clarify any of the points that we have presented.

Respectfully submitted,

Daniel T. Seamount, Jr.  
AOGCC Commissioner

LDK/jjc



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To: docket.oeca@epamail.epa.gov  
cc:  
Subject: EC-2000-007

02/27/02 08:54 PM

We have attached a response for EC-2000-007, CROMERRR (Cross-Media Electronic Reporting and Recordkeeping Rule) which is required to be submitted by midnight on Wednesday, February 27, 2002. A written copy is being forwarded through the Postal Service.

Please contact me (by EMail or Telephone) if any transmission or reading difficulties occur.

Lowell King, 907-793-1245  
Alaska Oil and Gas Conservation Commission



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